

# VIRGINIA FAIR HOUSING BOARD

## MINUTES OF MEETING

July 28, 2010

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman  
Stephen McMaster, Vice-Chairman  
Tonye Epps  
Neil Bhatt  
Jeffrey Adkins  
Phyllis Randall  
Robert Ruais

Board members not present: Penny Johnson  
Rosario Carrera  
Martin Maples  
Jim Ginnell

DPOR Staff present for all or part of the meeting included:

Gordon Dixon, Director  
Christine Martine, Executive Director  
Liz Hayes, Fair Housing Administrator  
Deanda Shelton, Assistant Fair Housing Administrator  
Emily Trent, Administrative Assistant  
Angela Keefe-Thomas, Fair Housing Investigator  
Annie Wilson, Fair Housing Specialist  
Matt Vincent, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:10 **Call to Order**  
A.M.

A motion was made by Mr. Bhatt and seconded by Ms. **Agenda**  
Epps to approve the Agenda. The motion passed  
unanimously. Members voting "Yes" were: Adkins, Bhatt,  
Epps, McMaster, Randall, Ruais and Rubinstein.

A motion was made by Mr. Bhatt and seconded by Ms. Randall to approve the June 16, 2010, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, McMaster, Randall, Ruais and Rubinstein.

**Minutes**

There was no public comment.

**Public Comment**

Liz Hayes updated the Board on the current investigative case load.

**Fair Housing  
Administrator's Report**

In the matter of **FHB File Number 2009-02089, Fair Housing Board v. KBS, Inc., Warner & Associates, Timmons Group and Oakland Chase Associates, LP**, the Board deferred the matter to the September 29, 2010, Board meeting.

**FHB File Number 2009-02089, Fair Housing Board v. KBS, Inc., Warner & Associates, Timmons Group and Oakland Chase Associates, LP**

In the matter of **FHB File Number 2010-01632, Michelle Busby v. Nancy Hawkins, Fred Karim, Fore Mallside Forest, LP, Fore Property Company, and Fore Woods Edge, LLLP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Investigative Report. Grimes Creasy, attorney for respondents, appeared and addressed the Board. A motion was made by Mr. Ruais and seconded by Ms. Randall to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, McMaster, Randall, Ruais and Rubinstein.

**FHB File Number 2010-01632, Michelle Busby v. Nancy Hawkins, Fred Karim, Fore Mallside Forest, LP, Fore Property Company, and Fore Woods Edge, LLLP**

In the matter of **FHB File Number 2010-04316, Savon Stephens v. Twin Hickory Senior Association**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Investigative Report. David Solodar, attorney for respondents, appeared and addressed the Board. A motion was made by Ms. Randall and seconded by Mr. Ruais to find no reasonable cause against the respondents in refusing to continue to rent to complainant, or discriminated in terms of conditions of rental based on race and physical handicap. The motion passed unanimously. Members voting "Yes" were: Adkins,

**FHB File Number 2010-04316, Savon Stephens v. Twin Hickory Senior Association**

Bhatt, Epps, McMaster, Randall, Ruais and Rubinstein.

A motion was made by Ms. Randall and seconded by Mr. Ruais to find no reasonable cause against the respondents in failure to make reasonable accommodations based on complainant's handicap. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, McMaster, Randall, Ruais and Rubinstein.

A motion was made by Ms. Randall and seconded by Mr. Ruais to find no reasonable cause against the respondents in retaliation against the complainant because the complainant filed a housing discrimination complaint. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, McMaster, Randall, Ruais and Rubinstein.

In the matter of **FHB File Number 2010-04534, Geovannie Bonilla v. Marjorie Wall and Charlotte King**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. McMaster and seconded by Mr. Bhatt to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, McMaster, Randall, Ruais and Rubinstein. **FHB File Number 2010-04534, Geovannie Bonilla v. Marjorie Wall and Charlotte King**

In the matter of **FHB File Number 2010-02397, Linda Williams v. Gary Lingren, Demetrius Henry and Wells Fargo Home Mortgage**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Bhatt and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, McMaster, Randall, Ruais and Rubinstein. **FHB File Number 2010-02397, FHB File Number 2010-02397, Linda Williams v. Gary Lingren, Demetrius Henry and Wells Fargo Home Mortgage**

In the matter of **FHB File Number 2010-00055, Roosevelt Smith v. Juan Jimenez**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Mr. McMaster to find no reasonable cause for all allegations, with no second the motion failed. **FHB File Number 2010-00055, Roosevelt Smith v. Juan Jimenez**

At 10:47 A.M., Mr. Bhatt offered a motion which was **Closed Session**

seconded by Ms. Randall, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes and Deanda Shelton.

This motion is made with respect to the matter(s) identified as agenda item(s):

**9. FHB File Number 2010-00055, Roosevelt Smith v. Juan Jimenez**

At 11:12 A.M., a motion was made by Ms. Epps and seconded by Ms. Randall that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and **Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 7-0

AYES: Adkins, Bhatt, Epps, McMaster, Randall, Ruais and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Carrera, Ginnell, Johnson and Maples.

In the matter of **FHB File Number 2010-00055, Roosevelt Smith v. Juan Jimenez**, a motion was made by Mr. Bhatt to find no reasonable cause that the respondent refused to continue to rent to the complainant, or discriminated in terms of conditions of rental based on the race. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, McMaster, Randall, Ruais and Rubinstein.

**FHB File Number 2010-00055, Roosevelt Smith v. Juan Jimenez**

A motion was made by Mr. Bhatt and seconded by Mr. Ruais to find reasonable cause that the respondent made a discriminatory statement against the complainant based upon race. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, McMaster, Randall, Ruais and Rubinstein.

In the matter of the **File Number 2010-04077, Lorelei Brossart v. Colonial Heritage Homeowners Association, Inc. and Colonial Heritage Homeowners Association, Inc. Board of Directors**, a motion was made by Ms. Randall and seconded by Mr. Ruais to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, McMaster, Randall, Ruais and Rubinstein.

**File Number 2010-04077, Lorelei Brossart v. Colonial Heritage Homeowners Association, Inc. and Colonial Heritage Homeowners Association, Inc. Board of Directors**

In the matter of the **File Number 2009-03864, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. Gas Light Properties, LLC, Space Properties/Gas Light, LLC, Robert Owens and Eric Bastian**, a motion was made by Mr. Ruais and seconded by Mr. McMaster to refer the case to the Office of the Attorney General to pursue remedies for breach of conciliation agreement. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, McMaster, Randall, Ruais and Rubinstein.

**File Number 2009-03864, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. Gas Light Properties, LLC, Space Properties/Gas Light, LLC, Robert Owens and Eric Bastian**

A motion was made by Ms. Randall and seconded by Ms. Epps to accept the July 28, 2010, Education Committee Report. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Epps, McMaster, Randall,

**Education**

Ruais and Rubinstein.

A motion was made by Mr. Bhatt and seconded by Mr. Ruais to authorize Board staff to initiate NOIRA to promulgate regulations to implement HB792. The motion passed unanimously. Members voting “Yes” were Adkins, Bhatt, Epps, McMaster, Randall, Ruais and Rubinstein. **Administrative Issues**

Ms. Martine presented the Board with an update from the Fair Housing Regulatory Review Committee. No action was taken by the Board. **New Business**

The Board adjourned at 11:28 a.m.

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David B. Rubinstein, Chairman

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Gordon Dixon, Secretary